

1871-015 Chancery Causes: Elisha Baucher to vs. William Baucher to
Lee Co

Hoskins, Thomas~, Milly~, Cole, Mc Spadden, Ball

CA-Estate Dispute
T-Property
Slavery

To The Honorable The worshipful County
Court of Lee County. Humbly complaining
respectfully sheweth unto your honorable body
Your Orator and Petitioner Elisha Boucher
and Polly Hastings late Polly Boucher That
They are two of the heirs of Robert Boucher
deceased and That there belongs to the heirs
of the said Robert Boucher deceased the following
slaves to wit Thomas Mills & his child
They state That William Boucher Joseph M^r Spad-
den and Elizabeth his wife Samuel M^r Spadden
and Phelo his wife and the three children
of Joseph Boucher deceased who was a son of
the said Robert Boucher deceased, to wit Elisha
Boucher Jr Brando M^r Cole and Polly his wife
late Polly Boucher and Elongo D Boucher and
Themselves; ^{and Nancy Boucher the widow of Robert Boucher deceased} ~~are all heirs and the only heirs of the~~
said Estate of the said Robert Boucher deceased
and That They are all Twenty One years of age
and entitled to an undivided interest in the said
slaves. They state That Elongo D Boucher Joseph
M^r Spadden and Elizabeth his wife late Elizabeth
Boucher Samuel M^r Spadden and Phelo his wife
late Phelo Boucher William Boucher and Elisha
Boucher Jr; are now residents of this Commonwealth.
They state from the number of heirs and
diversity of interest and the number of slaves
the heirs of Joseph Boucher being entitled to but
an eighteenth part each of the whole estate
That the same cannot be divided in kind
They pray That the said the Administrator of
the said Robert Boucher deceased may be directed
to sell the said slaves at the Court house of
Lee County Virginia to the highest bidder and
That he be directed to divide the proceeds
thereof among the several heirs agreeable to their

respective rights They pray that process may
issue and that the several defendants be
compelled to answer this bill agreeable to the
rules of Chancery practice They pray for
general and special relief and in duty
bound they will ever pray ^{tho}

Edw. Liffitt for
complets

On Cash 18.40
Elisha Boucher &
Polly Hoskins
vs 3 Pillsbury
William Boucher & others

1852 Oct. Bill filed
Now continued
Inv. order publication
as to absent defendants
and continued

1871 Mar. Term. Petition filed
Bill filed & served
deft & Decree & costs

1871 April Term. Bill to Co
construction of railroad
& costs

1871 May Term. Bill to Co
construction of railroad
& costs

1871 May Term. Bill to Co
construction of railroad
& costs

1871 May Term. Bill to Co
construction of railroad
& costs

1871 May Term. Bill to Co
construction of railroad
& costs

To the Honorable Henry S. Morgan, Judge of the County
Court of Lee County.

The petition of Mary A. Ball
executrix of George W. Ball decd, would respectfully state
that about the year 1855, Elias Boucher & Polly Hoskins,
as part of the heirs of Robert Boucher decd, filed their Bill
in Chancery, in said County Court, against William Boucher
& others, for the purpose of selling some slaves belonging to the
estate of the said Robert Boucher decd, and making distribution
of the proceeds among those in interest; and on the day of
1860, a decree was rendered in said Cause appointing
Robert W. Ely, a Commissioner to sell said slaves, and
on the day of 1860, he sold the same under said decree,
and your Petitioner's testator, the said George W. Ball decd,
as appearing by the report of said Commissioner, of said sale,
filed in said Cause, because the purchaser of one of
said slaves, named "Sela," at the price of six hundred
and thirty five dollars. The report of said Commr.
~~of said sale~~ Commissioner, has never been confirmed, nor
any decree rendered in said Cause since the one above
named, and the Cause should properly be upon the Court
docket yet, but through some inadvertence, it has been
left off. Your Petitioner feels that it is her duty, as
said Executrix, to resist the confirmation of said sale & report;
and to contest, the right of any and every person, to collect
the purchase money of said slave, which is now being
attempted by the personal representative of the said
Commissioner, who since said sale, and report
has departed this life; and therefore she prays
that the said Cause be placed upon the Court docket, and
that she as executrix of said decd be made a party ~~to~~ ⁱⁿ said
suit, for the purposes aforesaid, and to that end, that the

~~Plaintiff~~ be required to amend, their Bill, and make her
a party defendant.

Mary et. Bull. et. al.
vs. B Petition
Clifford Paucher & others

Virginia

At a Court of quarter-sessions continued & held for Lee County, at the Court House thereof, on Tuesday, March 20th 1871.

Elisha Boucher & Polly Hoskins - - - - - Plffs

against

William Boucher et al - - - - - Defts

In Chancery.

Upon motion this cause was placed upon the Docket, and came on again to be heard upon the papers formerly read in the cause, and the petition of Mary A. Ball, Exr. of George W. Ball, and was argued by Counsel upon consideration whereof, It is adjudged, ordered, and decreed that the said Mary A. Ball, Exr. be made a party defendant in this cause for the purposes set forth in her petition and that the plffs appear here at the next term of the County Court of this County, to show cause, if any they can, why the sale and Report of Robert M. Ely - Commissioner in said cause to sell the slaves in the plffs' Bill mentioned - should not be set aside, and the report rejected and annulled so far as said sale & report relates to a slave reported therein as being purchased by George W. Ball, now deceased, and his estate and personal representative be absolved from all liability on account of said reported purchase by him, and that a copy of this order be served upon the said Plffs, and the cause is continued till the next term.

Teste - John B. West, D. Clk.

Eliza Boucher et al.

vs. } Copy of Decree

William Boucher et al.

April 17th 1871.

The within parties are
now Residence of this
Commonwealth.

Thos. J. Brown Ds.
for E. L. Hamblen S. C.

ative be absolved from all liability on account of said reported
purchase by him; and that a copy of this order be served upon the
said Plffs, and the cause is continued till the next term.

A copy - Teste - John B. West, D. Clk.

Elisha Boucher.

Oliver Baucher & Sally Hoskins Plffs }
vs }
William Baucher. & other Defts }

Upon motion, this cause was placed upon the docket, and came on again to be heard upon the papers formerly read in the cause, and the petition of Mary S. Ball, Exec^x of Geo. M. Ball decd, and was argued by Counsel, upon consideration whereof, it is adjudged, ordered, and decreed, that the said Mary S. Ball, Exec^x &c. be made a party Def^t in this suit, for the purposes set forth in her petition, and that the plffs appear here at the next term of the County Court of this County, to show cause, if any they can why the sale & report of Robert M. Ely, Commissioner in said cause, to sell the slaves in the Pet^r, Bill mentioned, should not be set aside, & the report rejected and annulled, so far as said sale & report relates, to a slave reported therein as being furnished by the said Geo. M. Ball, now deceased, and his estate & personal representative be absolved from all liability on account of said reported, purchase & sale; and that a copy of this order, be served upon the said Pet^r, and the cause is continued to the next Term.

a copy of the same
ad Order.
Crisp's Bacon 125

March 1871.

Enter this Dece
H. J. Morgan
March 21/71

Entered O. P. 194.
J. B. West D. C. C.

Elisha Boucher & And Polly Lockins Complainants

Against

William Boucher Nancy Boucher

Joseph McSpadden and Elizabeth his wife

Samuel McSpadden and Phoebe his wife

Elisha Boucher & Elong Boucher and

Branch & M. Cole and Polly his wife Defendants

In
Chancery

This day This cause came on to be heard upon the bill of the Compt's being filed and it appearing to the Court by satisfactory affidavit that publication has been made for four successive weeks more than one month previous to this day for the defendants that reside out of the Commonwealth to appear and they having failed to appear and it also appearing to the Court by proper return of the Sheriff of this County that the defendants named in the Compt's bill that reside within this County or Commonwealth have been served with a notice of this suit more than one month previous to this day and they having failed to appear & it is therefore ordered by the Court that the bill of the Compt's be taken for confessed. And the Court being sufficiently advised of and concerning ^{it appearing to the Court that the slaves named in the Compt's bill viz Thomas Miley & Miley's child} the said slaves named in the Compt's bill (viz Thomas Miley and Miley's child) be sold to the highest bidder at the Court house of this County, after giving thirty days notice of the sale on a credit of six months the purchaser or purchasers giving bond and approved security. And that Robert Miley be appointed Commissioner of this Court to sell the said slaves and take bond of the purchaser or purchasers payable to him in six months with good security and make reports to this Court until such time this cause is continued by agreement of the parties. The said Negroes is not to be sold during the life of the said Nancy Boucher (the widow of Robert Boucher (decd))

But to remain in the possession of the widow Nancy Boucher
during her life.

17

Eliza Baughottom

ref } Deere

William Baughottom

This deed was entered
the 16th May 1853

#635.⁰⁰

Six months after date we or either do promise and bind ourselves, our heirs, administrators, executors, or assigns to pay unto Robert M. Ely, Commissioner for the heirs of Robert Boncher the just and full sum of six hundred and thirty five dollars for value received. Given under our hands and seals this, the 16th day of November 1860.

George W. Ball (seal)

J. M. Wheeler (seal)

I certify that the above is a true copy of the original note on file in an action at law heretofore brought in the County Court of Lee County by Joseph McPherson, admr. of the estate of Robert M. Ely dec'd vs. George W. Ball and James M. Wheeler. Given under my hand this, 23rd, day of May 1871.

John B. West, D. Clk

Lee County Court.

Robt M. Ely, comr. for

Heirs of Robt Boucher dees

From } Copy of Note

Geo. W. Ball & Jm. Wheeler.

(B,)

Exceptions - To Commissioner Morgan's Report

1st. Because he disallows a note of \$700. due from Pally Haskins to Wm S. Martin, found among Ely's papers: and that too ~~entirely~~ upon the evidence of Murphy the agent of Pally Haskins. See report Page 20. Murphy was an incompetent witness as to this.

2

The decree should be set aside because it does not show which statement of "H" is adopted. which is important -

3rd. Because the claimants, make no affidavit of the justice of their claim -

4th. Because, interest is allowed, during the war while the claimants lived beyond the boundary of the Confederate States, a de facto government for four years at war with the United States.

5th. The decree gives Pally Haskins \$52. 57. too much by way of interest. and the same end in her favor on the residue of \$812. would be \$64. 96. which should be deducted - and a like reduction should be made as to all the other party when a decree is rendered

Morgan's 6th Statement is considered by the court
and to be the nearest correct
which if taken Ely has over paid her the sum
of \$298. 29. It is here ~~the~~ earnestly con-
tended that in a proceeding of this kind, where
the Commissioner has disapproved, the Settlement
of Ely's administration account in collateral
proceeding like this & where the bill does not
ask for it no settlement as between the
heirs can be made - See report page 22.

Hartman

vs

Boucher

presented and de-
clared M. Beatty by
Promissory Note
year aforesaid
May, one day of
, who was then
still is the owner
of three he
value received, a
issory note in
the said plaintiff
promissory note in

and. 384

and. 188; 644

igh. 84 ;

igh. 299

igh. 416

with. 16.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee County. Greeting:

We command you to summon *Nancy Beutchen*

to appear before our Justices of our Court of LEE COUNTY, at the Court House, on the *3rd*
Monday in *January* next to answer a bill in Chancery exhibited against
her by *Eliza Beutchen* (and) *Polly Haskins*

~~And she shall answer the said bill within two months thereafter, the Court and Justice shall~~
~~for costs and damages accordingly. And this shall be in force until, and not for, the sum of \$200.00.~~

And have then there this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the
Court House, this *29th* day of *December* 18*88* in the *78th* year of the Commonwealth.

J. W. S. Morison cl

Attest; *J. W. S. Morison* cl

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee County, Greeting:

We command you to summon *Money Butcher*

to appear before our Justices of our Court of LEE COUNTY, at the Court House, on the *3rd*
Monday in *December* ~~to~~ to answer a bill in Chancery exhibited against
her by *Blisha Butcher & Polly Haskins*

~~and unless~~ ~~shall answer the said bill within two months thereafter, the Court shall~~
~~for enforced and decreed accordingly: And this~~ ~~shall be in vain, under the penalty of \$500.~~

And have then there this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the
Court House, this *4th* day of *December* 18*55* in the *78th* year of the Commonwealth.

J. W. S. Morison *cc*

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.36

.60

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.36

.40-

.15-

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.10

.36

.36

.72

1.08-13

1.08-14

1.08-15-

.36-

.40

\$8.20

20

\$8.40

Eliza Butcher

vs Sp. in Cheney

Cheney Butcher

Dec. term 1853

not received

Mrs. Martin

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee County, Greeting:

We command you to summon *Nancy Butcher*

to appear before our Justices of our Court of LEE COUNTY, at the Court House, on the *3rd*
Monday in *January* next to answer a bill in Chancery exhibited against
her by *Elisha Butcher and Polly Haskins*

~~and on the 3rd day of January next shall answer the said bill within two months thereafter, the Court will take the~~
~~same for granted unless the said Elisha Butcher and Polly Haskins shall in the meantime under the penalty of \$100.~~

And have then there this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the
Court House, this *29th* day of *December* 18*55* in the *78th* year of the Commonwealth.

J. W. S. Morison *cl*

Elisha Butcher

os { Spic in Chaney

Henry Butcher

Long Term 1854